

JOURNAL OF THE HOUSE.

Monday, February 23, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Tobin of Quincy in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, in Whom we place our hope and trust, Your guidance and direction assists us in our daily struggle to do what is right, reasonable and honorable in pursuing our legislative and personal responsibilities. Your spiritual gift of wisdom, in addition to human wisdom, enables us to analyze correctly and to make complex intellectual and thoughtful decisions for the current and future needs of people and society. Help us to develop a clear intellectual focus (not a mere emotional response) to the pressing issues of these times as we try to serve the best interests of all in our diverse communities. May Your ways and spiritual values remain high priorities on our agenda. Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Tobin), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Resolutions.

Resolutions (filed with the Clerk by Mr. Walsh of Boston) congratulating Russell A. Steinbach on his many accomplishments, were referred, under Rule 85, to the committee on Rules. Russell A. Steinbach.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A report of the committee on Public Safety, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1368) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to allow the town of Nantucket to develop a motor vehicle permit program, and recommending that the same be referred to the committee on Local Affairs and Regional Government,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence. Nantucket, motor vehicles.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Prescription medication.

Petition (accompanied by bill, Senate, No. 2224) of Steven A. Tolman, Jarrett T. Barrios, Stephen M. Brewer, Robert L. Hedlund and other members of the General Court for legislation relative to prior authorization of prescription medications. To the committee on Health Care.

Jury duty, exemptions.

Petition (accompanied by bill, Senate, No. 2225) of Elizabeth S. Bridge for legislation to exempt certain persons from jury duty. To the committee on the Judiciary.

Bourne Water District.

Petition (accompanied by bill, Senate, No. 2226) of Therese Murray for legislation to merge the South Sagamore water district with the Bourne water district; and

Fish restoration projects.

Petition (accompanied by bill, Senate, No. 2227) of Robert A. O'Leary for legislation relative to fish restoration projects;

Antique auto fees.

Severally to the committee on Natural Resources and Agriculture. Petition (accompanied by bill, Senate, No. 2228) of Robert L. Hedlund for legislation relative to antique auto registration fees. To the committee on Public Safety.

Trooper Mary T. McCauley.

Petition (accompanied by bill, Senate, No. 2229) of Robert L. Hedlund for legislation relative to the transfer of sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorney's Office; and

Carole M. Lee, sick leave bank.

Petition (accompanied by bill, Senate, No. 2230) of Robert L. Hedlund for legislation to establish a sick leave bank for Carole M. Lee, an employee of the Department of Social Services;

Severally to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Identity theft, protect.

Petition (accompanied by bill) of Paul C. Casey and other members of the House relative to the protection of consumers from identity theft. To the committee on Commerce and Labor.

Motor fuel, theft.

Petition (accompanied by bill) of Lida E. Harkins relative to the penalty for the theft of motor fuel. To the committee on Criminal Justice.

Long-term care facilities.

Petition (accompanied by bill) of David M. Torrisi and other members of the General Court that long-term care facilities be directed to notify the Department of Public Health of voluntary closures of such facilities. To the committee on Health Care.

Indigent defendants, counsel.

Petition (accompanied by bill) of Harold P. Naughton, Jr., for an investigation by a special commission (including members of the General Court) relative to the appointment of counsels for indigent defendants in court proceedings in the Commonwealth. To the committee on the Judiciary.

Environmental police, disability.

Petition (accompanied by bill) of Jeffrey Davis Perry and other members of the House relative to the retirement allowance for environmental police officers retired for disability; and

Disability retirement.

Petition (accompanied by bill) of Robert M. Koczera and Michael F. Rush relative to the annual adjustment of disability retirement allowances;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Paul Kujawski and Richard T. Moore relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Webster to said town to be used for a community youth facility;

Webster, land conveyance.

Petition (accompanied by bill) of James R. Miceli and Barry R. Finegold for legislation to designate a certain building at the Tewksbury State Hospital as the Richard P. Morris Building; and

Tewksbury Hospital, Morris Building.

Petition (accompanied by bill) of Joyce A. Spiliotis relative to declaring December fifteenth as Bill of Rights Day.

Bill of Rights Day.

Severally to the committee on State Administration.

Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to dental hygienists (House, No. 699),— and recommending that the same be recommitted to the committee on Health Care. Under Rule 42, the report was considered forthwith; and it was accepted.

Dental hygienists.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to retail sales (House, No. 299);

Retail sales. Two-for-one sales.

Of the Bill further regulating two-for-one sales of retail merchandise (House, No. 300);

Of the Bill relative to the sale of food products (House, No. 862);

Food products.

Of the Bill relative to CPR certification for teachers and coaches (House, No. 1836); and

Teachers and coaches.

Of the Bill relative to the stopping of motor vehicles by police at night (House, No. 4126, changed);

Vehicle lights.

And recommending that the same severally be referred to the House committee on Rules;

Of the Bill relative to the Uniform Computer Information Transaction Act (House, No. 4464),— and recommending that the same be referred to the committee on Science and Technology; and

Computer Information Transaction Act.

Of the Bill promoting ski safety (Senate, No. 1376, amended);

Ski safety. Slotting.

Of the Bill prohibiting slotting allowances (House, No. 3113); and

Of the Bill mandating the reporting of benign brain-related tumors (printed in House, No. 4286);

Brain tumors.

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to adjudicatory hearings of the Board of Registration in Medicine ("Taylor's Law") (Senate, No. 2151) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Taylor's Law.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Story of Amherst, the bill was read a second time forthwith; and it was ordered to a third reading.

Government
Regulations,
study.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8, 31, 132, 133, 137, 138, 141, 142, 145, 345, 346, 542, 544, 547, 548, 696, 894, 895, 1081, 1082, 1462, 1467, 1477, 2041, 2045, 2046, 2234, 2428, 2430, 2591, 2595, 2793, 2795, 2958, 3149, 3150, 3151, 3152, 3324, 3327, 3512, 3513, 3515, 3516, 3646, 3653, 3654 and 4317, an Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning alcohol, utilities, cable television, licensing, lottery and gaming in the Commonwealth (House, No. 4522). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Prisoner
re-integration,
study.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for an investigation and study by a special commission relative to prisoner re-integration (House, No. 4180) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Camp
counselors,
record
information.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the dissemination of criminal offender record information to the operators of camps for children (House, No. 4359) ought to pass with certain amendments, in lines 9 to 16, inclusive, by striking out the two sentences contained therein and inserting in place thereof the following sentence: "During only the operational season of a camp for children, camp operators may conditionally hire employees and volunteers who shall be prohibited from any unsupervised contact with children until the criminal offender record information results are received.", and, in line 20, by inserting after the word "of" the word "primary". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Community
preservation.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to community preservation (House, No. 1509) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations,
disapprovals.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4365), returning with His disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2004 to pro-

vide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), reported, in part, in each instance, that the following item (contained in section 2) and sections stand (as passed by the General Court):

"0640-0300..... 300,000".

[The Governor had vetoed said item.]

"SECTION 62. Item 8700-7997 of section 2 of chapter 289 of the acts of 1998, as amended by section 19 of chapter 245 of the acts of 2002, is hereby further amended by striking out the words 'For improvements to the Newburyport Armory' and inserting in place thereof the following words:— For improvements in the city of Newburyport."

[The Governor had vetoed said section.]

"SECTION 63. Said item 8700-7997 of said section 2 of said chapter 289, as so amended, is hereby further amended by striking out the words:— on the Newburyport Armory site."

[The Governor had vetoed said section.]

"SECTION 67. Item 8000-0010 of section 2 of chapter 184 of the acts of 2002 is hereby amended by striking out the words 'of the award to Saugus'."

[The Governor had vetoed said section.]

"SECTION 77. Item 0640-0300 of said section 2 of said chapter 26 is hereby amended by inserting after the words 'the organization's endowment' the following words:— ; provided further, that \$300,000 shall be expended for From the Top, INC., a Boston-based multimedia and education project."

[The Governor had vetoed said section.]

"SECTION 87. Item 4512-0200 of said section 2 of said chapter 26 is hereby amended by striking out the words 'funds shall be expended for Latinos y Ninos' and inserting in place thereof the following words:— not less than \$99,925 shall be expended for Latinos y Ninos to address the needs of Latino women in recovery."

[The Governor had vetoed said section.]

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House, the question being on whether said item and sections stand as passed by the General Court.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill amending the definition of a veteran (Senate, No. 822) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4533.

Veteran,
definition.

By the same member, for the same committee, that the Bill relative to certain distinctive registration plates (Senate, No. 2006, amended) ought to pass with an amendment.

Registration
plates.

By the same member, for the same committee, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Roxbury/South End Tenants'

Roxse
Tenants
Council.

Council, Inc., D/B/A Roxse Tenants Council (Senate, No. 2181) ought to pass with an amendment.

Dissection
choice.

By the same member, for the same committee, that the Bill relative to dissection choice (House, No. 1252) ought to pass with an amendment.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following Bills ought to pass:

Southeastern
Massachusetts,
environmental
lands.

The Senate Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester (Senate, No. 1229, amended); and

House bills

Kuzeja
Real Estate
Trust.

Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to place a conservation restriction on and transfer a certain parcel of land to the Kuzeja Real Estate Trust (House, No. 3985); and

Plainville,
land.

Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (House, No. 4201);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Gill,
unemployment.

The Senate Bill authorizing a transfer from the unemployment compensation fund in the town of Gill (Senate, No. 2104, amended) [Local Approval Received]; and

House bills

Children.
Cable schedule.

Clarifying the removal statute (House, No. 772);
Relative to the underground cable reimbursement schedule (House, No. 1857);

Children.
Municipal
lighting.
Food,
labeling,
Richmond.

Clarifying the removal statute (House, No. 2101);
Relative to municipal lighting plant cooperatives (House, No. 2425);
Relative to the labeling of certain food products and dietary supplements (House, No. 2565);
Relative to the retirement and health benefits of certain elected officials of the town of Richmond (House, No. 4236) [Local Approval Received];

Relative to the election of town meeting members and validating the actions taken at certain town meetings held in the town of South Hadley (printed in House, No. 4380, changed);

South
Hadley.

Relative to the procedure for issuance of criminal complaints (House, No. 4396);

Criminal
complaints.

Establishing a sick leave bank for Christopher Lavele, an employee of the Department of Correction (House, No. 4412); and

Christopher
Lavele.

Relative to the administrative judges of the Division of Industrial Accidents (House, No. 4465);

Industrial
Accidents.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Bosley of North Adams, for the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 1278) of Martin J. Walsh, Brian P. Wallace and Anthony Petrucci relative to further regulating continuing education for plumbers and gas inspectors.

Plumbers
and gas
inspectors,
education.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1470) of Daniel E. Bosley for legislation to provide that gas gate boxes be easily accessible to gas company service employees and emergency public service personnel.

Gas gate
boxes,
access.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bill.

The engrossed Bill relative to annual elections in the town of North Andover (see House, No. 3906, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

House bills

Relative to the city council of the city of Northampton (House, No. 4106);

Third
reading
bills.

Establishing a sick leave bank for Christopher Bailey, an employee of the Department of Correction (House, No. 4323) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for James Flamer, an employee of the Department of Mental Retardation (House, No. 4324);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At a quarter after eleven o'clock A.M., on motion of Mr. Eldridge of Acton (Mr. Tobin of Quincy being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.